

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BOBBY HAYES,

Plaintiff,

Docket No.: 15-CV-0398  
(JFB)(SIL)

**COUNTY DEFENDANTS'  
RESPONSE TO PLAINTIFF'S  
FIRST SET REQUESTS FOR  
PRODUCTION OF  
DOCUMENTS**

-against-

COUNTY OF NASSAU, NASSAU COUNTY  
POLICE DEPARTMENT, NASSAU COUNTY  
POLICE OFFICER CARL ARENA, NASSAU  
COUNTY POLICE OFFICER PETER J. ELLISON,  
NASSAU COUNTY POLICE LIEUTENANT  
VINCENT G. BODGEN and NASSAU COUNTY  
POLICE OFFICERS JOHN DOES 1-10, fictitious  
Names used to identify presently unknown police officers.

Defendants.

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Defendants COUNTY OF NASSAU, NASSAU COUNTY POLICE DEPARTMENT,  
NASSAU COUNTY POLICE OFFICER CARL ARENA, NASSAU COUNTY POLICE OFFICE  
PETER J. ELLISON and NASSAU COUNTY POLICE LIEUTENANT VINCENT G. BODGEN,  
(hereinafter referred to as "County Defendants"), by their attorneys, BARTLETT,  
MCDONOUGH & MONAGHAN, LLP, set forth as follows in response to Plaintiff's First Set of  
Document Demands:

**RESPONSE TO PLAINTIFF'S DEMANDS**

**PRELIMINARY STATEMENT AND OBJECTIONS**

To the extent that any responses are provided, the County Defendants recognize and will  
abide by the definitions and rules of construction set forth in the Join Civil Rules of the United

States District courts for the Southern and Eastern Districts of New York. Defendants are responding to Plaintiff's discovery requests pursuant to Federal Rules of Civil Procedure 26, 33, and/or 34 and, in answering the document production request, are interpreting words used by Plaintiff according to their ordinary meaning. The following responses are provided without prejudice to the County Defendants' rights to produce evident of any subsequently discovered facts. County Defendants specifically reserve the right to amend, modify and/or supplement any and all responses herein as additional facts are ascertained, analyses made, legal research completed, expert opinions exchanged and contentions formulated.

By responding to any requests, the County Defendants do not admit or concede the relevance, materiality or admissibility of the information or documents sought and do not waive, but rather, expressly reserve any and all objects to admissibility on the grounds of relevance, materiality or privilege.

#### **RESERVATION OF RIGHTS AND GENERAL OBJECTIONS**

The Responses set forth below are provided without prejudice to County Defendants' right to object to the admission into evidence of any information or documents produced pursuant to Plaintiff's Discovery Request.

County Defendants reserve the right to object to further discovery concerning the Requests now being responded to upon any valid ground.

County Defendants reserve the right to amend and/or supplement the Responses set forth herein at any time up to and including the time of trial.

County Defendants objects to Plaintiff's Requests to the extent that they seek the production of information and/or documents that are privileged, protected by the attorney-client privilege, or which constitute work product, or any other recognized privilege.

All specific objections hereinafter set forth shall be deemed to incorporate the general objections set forth above.

### **SPECIFIC RESPONSES AND OBJECTIONS**

1. *Any and all documents concerning any of the allegations contained in the Complaint.*

#### **Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

2. *Any and all correspondence by and between any of the Defendants concerning the subject matter of this action.*

#### **Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative*

*process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.*

3. *Any and all correspondence by and between any of the Defendants and any other persons concerning the subject matter of this action.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.*

4. *Any and all audiotapes and/or videotapes recorded that relate to this action and/or the subject matter of this Complaint.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative*

*process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see the video provided by the plaintiff.*

5. *Any and all transcripts, notes, synopses or other documents concerning all audiotapes and/or video tapes recorded that relate to this action and/or to the subject matter of this Complaint.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.*

6. *Each and every document which Defendants intend to utilize during a deposition of any of the Plaintiff(s) in this action.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative*

*process privilege and/or law enforcement privileges.* Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

7. *Each and every document which Defendants intend to utilize during a deposition of any non-party witness in this action*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process privilege and/or law enforcement privileges.* Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

8. *Each and every document which Defendants intend to utilize in support of any dispositive motion in this action.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative*

*process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.*

9. *Each and every document which Defendants intend to utilize during a trial in this action.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process privilege and/or law enforcement privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.*

10. *All records of complaints filed with the County of Nassau or in the Police Department against the defendants, while employed by the County of Nassau or the Police Department as police officers, and any and all records of investigations conducted on the basis of such complaints.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds

that the potential documents requested are protected under the *deliberative process privilege* and/or *law enforcement privileges*.

11. *All records of complaints regarding civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process of law and discriminatory conduct by County of Nassau or the Police Department of police officers delivered to the County of Nassau or the Police Department for a ten year period prior to January 29, 2014.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process privilege* and/or *law enforcement privileges*.

12. *All records concerning disciplinary action taken against County of Nassau or the Police Department or the defendant police officers since January 29, 2014 for civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected

under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

13. *All records concerning disciplinary action taken against the defendant police officers and any police officers by the County of Nassau or the Police Department since January 1, 2004 for civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

14. *All records of complaints regarding civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct by County of Nassau or the Police Department of police officers deliver to the County or the Police Department for a ten year period prior to January 29, 2014.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

15. *All records concerning disciplinary action taken against any police officers by the County of Nassau or the Police Department police officers since January 29, 2014 for civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

16. *All records concerning disciplinary action taken against any police officers by the County of Nassau or the Police Department since January 29, 2014 civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

17. *Any and all Field Administrative Reports filed by the Defendant or police officers of the County or the Police Department regarding Hayes or which name or recite Hayes.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

18. *Records of any and all County and/or Police Department Internal Affairs Division investigations of the arresting officer(s) of Hayes, conducted regarding the occurrences set forth in the Complaint. .*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

19. *Records of any and all County or Police Department Internal Affairs Division investigations of the arrest and/or detention of Hayes or which name/recite Hayes Mahon.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

20. *Records of any and all the Police Department Internal Affairs Division investigations of police officers for civil rights violations, false arrest, false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct which have been conducted regarding:*

- a. Hayes,
- b. The allegations contained in the Complaint,
- c. Any injuries sustained by Hayes.

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

21. Records of any and all County or Police Department Internal Affairs Division investigations regarding Hayes's arrest and imprisonment.

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

22. Records of any and all the Police Department internal Affairs Division investigations of police officers for civil rights violations, false arrest, false

*imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct since January 1, 2004.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

23. *All radio run time logs and any transcripts thereof for:*

- a. *January 29, 2014.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, a request for the documents has been made and any non-privileged and non-objectionable materials will be turned over.

24. *All booking sheets, police reports, evidence bags, photographs, videos, booking entries, inventory of evidence arrest information or memorandum referring to the arrest/detention of Hayes.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

25. *Any and all police reports, booking entries and other written reports or memoranda relating to Hayes.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

26. *All police reports, memoranda, statements and other written documents relating to the arrest, incarceration and injury to Hayes.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

27. *Any incident(s) or accident report or record concerning or pertaining to Hayes relating to the occurrence(s) alleged in the Complaint.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

28. *Each investigation report relating to the occurrence(s) alleged in the Complaint by any agency, bureau or commission of the federal government or any state, local or municipal government.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

29. *A copy of all incident reports prepared concerning Hayes's injury.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

30. *Each statement concerning the occurrences alleged in the Complaint previously made by the Defendant and the Defendant's agents or employees. The word*

*"statement" includes statements which have been recorded (along with a written transcript thereof) as well as those which have been reduced to writing, unsigned as well as a signed statement, any draft copies as well as final versions of any statement or any contained in e-mails.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

31. *Each statement concerning the occurrences of January 29, 2014, regarding Hayes made by the Defendant and the Defendant's agents or employees. The word "statement" includes statements which have been recorded (along with a written transcript thereof) as well as those which have been reduced to writing, unsigned as well as a signed statement, any draft copies as well as final versions of any statement or any contained in e-mails.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected

under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

32. *Any and all written or recorded statements of any witnesses to the incidence(s) alleged in the Complaint describing the cause and/or events leading up to the incident alleged.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

33. *Any statements, either written or recorded, or any of the parties to this lawsuit which are in the possession, custody or control of either the defendant or its agents, attorneys, investigators or insurance carriers regarding Hayes or the allegations set forth in the Complaint.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

34. *Copies of any statements given by Hayes to any witnesses, any investigators, or anyone else acting on behalf of defendant, or any statement in defendant's possession or under defendant's control, including but not limited to insurance investigators, lawyers, police officers, etc.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

35. *Any and all photographs of the scene of the incident alleged depicting the location of the incident.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, County Defendants are currently not in possession of the requested photographs.

36. *Any charts, maps, diagrams, in defendant's possession depicting the scene of the alleged incident.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, County Defendants are currently not in possession of the requested documents.

37. *Any conversation or communication relating in any way to Hayes's arrest or detention that was reduced to writing.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

38. *Any minutes or other written records of any meeting at which Hayes or Hayes's arrest or detention was mentioned, referred to or talked about.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

39. *Copies of any photographs, movies and/or video tapes made of Hayes.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, plaintiff is directed to the cell phone video provided by plaintiff.

40. *All personnel and/or other employment-related files maintained concerning each of Defendant police officers, agents or employees involved in the arrest/detention of Hayes including but not limited to employment, duty assignments, work performance evaluations, disciplinary actions, reprimands, promotions, demotions, transfers, separations from employment (including resignations and discharges), and citizen complaints regarding the officer's behavior.*
- Will get  
CO's Civil/Disc  
Training*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds

that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

41. *The personnel file, civil service file and all Bureau of Internal Affairs files on each named Defendant in this lawsuit maintained by the Police Department.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

42. *Copies of all writings in support of Defendant's denial of liability as alleged in the Answer on file herein.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

43. *Copies of all writings in support of each of Defendant's affirmative defenses as alleged in the Answer on file herein.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

44. *Any Complaints or allegations of police misconduct against any named Defendant since January 29, 2014.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

45. *Any Complaints or allegations of police misconduct against any named Defendant since January 1, 2004.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

- 46.** *Any police guidelines or manual regarding apprehension, arrest, and use of force, to be observed and followed by officers of the Police Department, which were in force on the date of the incident described in the Complaint.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, a request for the documents has been made and any non-privileged and non-objectionable materials will be turned over.

- 47.** *Any and all reports, summaries, files or transcripts or proceedings of the Nassau County District Attorney concerning allegations of the Complaint or Hayes.*

*Made  
request*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

48. *All documents relating to or concerning Hayes including, but not without limitation, the following:*
- a. *Police incident reports, supplemental reports, use of force reports, and injured prisoner reports,*
  - b. *Booking sheet,*
  - c. *Booking photographs,*
  - d. *Videotapes of the arrest, booking and cell area,*
  - e. *Tape recording of police telephone calls and radio traffic,*
  - f. *Criminal complaint, application for complaint and docket sheet,*
  - g. *Hayes's medical records,*
  - h. *Hayes's criminal record,*
  - i. *Depositions, trial transcripts, and documents produced from other civil cases against the Police Department regarding civil rights violations, false arrest,*

*false imprisonment, malicious prosecution, abuse of official position, abuse of due process and discriminatory conduct.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges. Notwithstanding and without waiving the aforementioned objections, see Bates Stamps NC 000001-000086.

- 49.** *Police Department's training and/or continuing training manuals and materials for its officers regarding apprehension, arrest and the use of reasonable force.*

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

50. Provide records and all documents concerning all arrests made by each of the defendant police officers wherein charges included but were not limited to disorderly conduct and resisting arrest.

**Response:**

County Defendants object to this request on the basis it is vague and ambiguous, irrelevant, improper, unduly burdensome and overbroad. County Defendants also object to this request on the basis that it potentially seeks documents protected under the attorney-client privilege, attorney-work product privilege, and generated in anticipation of litigation. Further, County Defendants object on the grounds that the potential documents requested are protected under the *deliberative process* privilege and/or *law enforcement* privileges.

Dated: Mineola, New York  
August 21, 2015

Yours etc.,

BARTLETT, MCDONOUGH  
& MONAGHAN, LLP  
BY: \_\_\_\_\_ /s/

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